

A RESOLUTION authorizing the City of Fort Wayne, Indiana, by its Board of Public Works and Safety, to enter into an Interlocal Agreement for funding of construction of a water storage tank.

WHEREAS, the City of Fort Wayne, Indiana, seeks to assist the expansion of business and industry within Fort Wayne and Allen County; and

WHEREAS, Chuo Kagaku Company, Ltd. (d/b/a C & M Fine Pack) has committed to construct a new manufacturing facility and begin operations in Lincoln Industrial Park in Allen County; and

WHEREAS, C & M Fine Pack proposes to create 180 new jobs at this site within the next 24 months; and

WHEREAS, in order for this project to go forward as planned, improved water pressure is needed at this site; and

WHEREAS, the Indiana Department of Commerce has committed to fund up to \$350,000 to construct a one million gallon water storage tank to serve this site and the surrounding area (approximately 8 square miles), by providing an Industrial Development Infrastructure Program grant to Allen County; and

WHEREAS, the City of Fort Wayne has committed \$550,000 toward the cost of constructing the water storage tank; and

WHEREAS, the Community Development Corporation of Fort Wayne has committed to make a zero-interest loan to the City of Fort Wayne for \$100,000 to cover the balance of the cost of constructing the water storage tank; and

WHEREAS, in accordance with the prescribed procurement procedures, the City of Fort Wayne, by and through its Board of Public Works and Safety, will be responsible for preparing the bid specifications, selecting the contractor(s), preparing all contract documents, final inspections, and acceptance of the completed project.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:



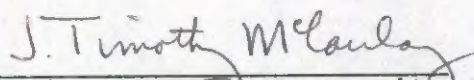
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SECTION 1. The Interlocal Cooperation Agreement by and between the County of Allen, Indiana, through its Board of commissioners, and the City of Fort Wayne, Indiana, through its Board of Public Works and Safety, which Agreement is attached hereto and made a part hereof as "Exhibit A," is approved in all respects, and the prior execution of said Agreement by the Fort Wayne Board of Public Works and Safety is hereby ratified and approved.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

  
Councilmember

APPROVED AS TO FORM  
AND LEGALITY

  
J. Timothy McCaulay, City Attorney



## INTERLOCAL COOPERATION AGREEMENT

THIS AGREEMENT, made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 1989, by and between the BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN (hereinafter referred to as the "Board"), and the CITY OF FORT WAYNE BY AND THROUGH ITS BOARD OF PUBLIC WORKS AND SAFETY (hereinafter referred to as the "City").

### WITNESSETH:

WHEREAS, the purpose of this agreement is to facilitate the flow of funds to the City from the Board, said funds provided to the Board by the Indiana Department of Commerce Industrial Development Infrastructure Program; and,

WHEREAS, C & M Fine Pack will locate its operation at a site outside the city limits of Fort Wayne in Allen County; and,

WHEREAS, the estimated cost of providing a one million gallon water storage tank which will serve the C & M Fine Pack site is estimated to be \$ 1 million; and,

WHEREAS, the Indiana Department of Commerce has offered financial assistance in an amount not to exceed \$350,000 to the Board for the purpose of constructing the water tank which the Board has agreed, to the extent of said grant, to provide to the City; and,

WHEREAS, the financial assistance offered by the Indiana Department of Commerce is conditioned on the City of Fort Wayne providing \$550,000 toward the cost of the project; and,

WHEREAS, the remainder of the cost of providing the water tank will be provided in the form of a loan to the City from the Community Development Corporation of Fort Wayne; and,

WHEREAS, the City will be responsible for selecting the contractor(s) for the construction, construction engineering, and inspection of said project in accordance with I.C. 36-1-12-1 et seq., and the applicable federal regulations as set forth in the Indiana Department of Commerce Grantee Implementation Manual.

NOW, THEREFORE, it is agreed as follows:

1. The Board agrees to the extent of the funds provided by the Indiana Department of Commerce to pay claims submitted by the City for the above-referenced project, in a timely manner. Said claims shall be verified and based upon actual contractors expenses incurred.

2. Attached hereto and made a part hereof is a copy of the Grant Agreement entered into between the Board and the State of Indiana. The City agrees to comply with all terms and conditions of said Grant Agreement, as if it were the Board.

3. The City further agrees to hold harmless the County from and against any and all claims, demands or losses, and liabilities arising out of any act or omission in violation of said Agreement, or the Project.

4. Upon completion of the project, an independent C.P.A. firm or the State Board of Accounts will be hired to audit the financial records of the grant as required by the State and the City shall furnish any and all financial records and data relating to the project required by said audit firm.

5. This Agreement shall be construed in accordance with I.C. 36-1-7 et seq. and the effectiveness is subject to all legal and necessary approvals as follows:



A. Approval of the fiscal bodies, by ordinance or by resolution, of the, Indiana (its City Council) and Allen County, Indiana (its County Council) pursuant to I.C. 36-1-7 et seq.

B. Recordation of this Agreement with the Allen County Recorder; and,

C. Within sixty (60) days from the effective date of this Agreement, a copy of same shall be filed with the State Board of Accounts for audit purposes.

6. This Agreement and responsibilities hereunder, shall terminate upon the close-out of the state grant. Said close-out shall include the resolution of all audit findings if any shall exist.

IN WITNESS WHEREOF, this Agreement has been signed by the parties on the dates below indicated.

CITY OF FORT WAYNE, INDIANA  
BY AND THROUGH ITS BOARD OF  
PUBLIC WORKS AND SAFETY

By: Angela S. Derheimer, Director

By: Michael McAlexander, Member

By: C. David Silletto, Member

Dated: \_\_\_\_\_  
ATTEST: \_\_\_\_\_

By: Helen Gochenour

BOARD OF COMMISSIONERS OF THE  
COUNTY OF ALLEN, INDIANA

By: Donald J. Yoder, President

By: Jack R. Worthman

By: Edwin J. Rousseau

Dated: \_\_\_\_\_  
ATTEST: \_\_\_\_\_

By: Linda K. Bloom, Auditor

Read the first time in full and on motion by Rio Quinte, seconded by Stin, and duly adopted, read the second time by title and referred to the Committee on City of Fort Wayne (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 3-27-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Rio Quinte, seconded by Stin, and duly adopted, placed on its passage. PASSED ~~Lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>	<u>2</u>		
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
STIER	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-11-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) \_\_\_\_\_ (APPROPRIATION) \_\_\_\_\_ (GENERAL) \_\_\_\_\_ (SPECIAL) \_\_\_\_\_ (ZONING MAP) \_\_\_\_\_ ORDINANCE RESOLUTION NO. R-22-89 on the 11th day of April, 1989,

Sandra E. Kennedy ATTEST  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
Charles S. Reed  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of April, 1989, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 19th day of April, 1989, at the hour of 4:45 o'clock P. M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR



Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

R-89-03-22

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS AND SAFETY

SYNOPSIS OF ORDINANCE AUTHORIZES INTERLOCAL AGREEMENT FOR FUNDING OF THE  
CONSTRUCTION OF A WATER STORAGE TANK TO IMPROVE WATER PRESSURE TO LINCOLN  
INDUSTRIAL PARK

EFFECT OF PASSAGE AGREEMENT CAN BE EXECUTED

EFFECT OF NON-PASSAGE NO AGREEMENT AND NO CONSTRUCTION OF WATER TANK

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$550,000 - City of Fort  
Wayne; Community Development Corp. Loan - \$100,000; State - \$350,000

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_

BILL NO. R-89-03-22

REPORT OF THE COMMITTEE ON CITY UTILITIES

MARK E. GIAQUINTA, CHAIRMAN  
THOMAS C. HENRY, VICE CHAIRMAN  
LONG, BURNS, TALARICO

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (~~ORDINANCE~~) (RESOLUTION) authorizing the  
City of Fort Wayne, Indiana, by its Board of Public Works and  
Safety, to enter into an Interlocal Agreement for funding of  
construction of a water storage tank

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION AND  
BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(~~ORDINANCE~~)X (RESOLUTION) \_\_\_\_\_

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Mark E. Giaquinta*

*Thomas C. Henry*

*Samuel J. Talarico*

*Walter Long*

DATED:

*4-11-89.*

Sandra E. Kennedy  
City Clerk